Title 19A
LAND SEGREGATION

UPDATED: March 8, 2016

Chapters:

19A.01 PURPOSE
19A.04 DEFINITIONS
19A.08 ADMINISTRATION
19A.12 SUBDIVISIONS AND SHORT SUBDIVISIONS
19A.16 FINAL PLAT AND FINAL SHORT PLAT MAPS FOR PRELIMINARILY APPROVED SUBDIVISIONS AND SHORT SUBDIVISIONS
19A.20 BINDING SITE PLANS
19A.24 CONDOMINIUMS
19A.28 ADJUSTMENTS

19A.01 PURPOSE

Sections:

19A.01.010 Purpose.

19A.01.010 Purpose. The purpose of this title is to:

A. Establish the authority and procedures for segregating land in King County.

B. Define and regulate divisions of land that are exempt from the short subdivision or subdivision requirements.

C. Insure consistency with and implement the King County Comprehensive Plan as amended in accordance with the Washington State Growth Management Act, RCW 36.70A.120.

D. Require uniform monumenting of land subdivisions and conveyance by accurate legal description.

E. Protect and preserve the public health, safety and general welfare in accordance with the standards established by King County and the state of Washington.

F. Insure consistency with chapter 58.17 RCW. (Ord. 13694 § 2, 1999).

19A.04 DEFINITIONS

Sections:

19A.04.010 Acre.
19A.04.020 Alteration.
19A.04.030 Applicant.
19A.04.040 Binding site plan.
19A.04.050 Building envelope.
19A.04.060 Building site.
19A.04.070 Civil engineer.
19A.04.080 Condominium.
19A.04.082 Condominium declaration.
19A.04.090 Dedication
19A.04.100 Department.
19A.04.110 Development engineer.
19A.04.120 Director.
19A.04.130 Easement.

19A.04.140 Engineered preliminary drainage plan.
19A.04.150 Financial guarantee.
19A.04.160 General site plan.
19A.04.170 Homeowners' association.
19A.04.180 Improvements.
19A.04.190 Innocent purchaser.
19A.04.200 Land surveyor.
19A.04.205 Large lot segregation.
19A.04.210 Lot.
19A.04.220 Nonbuilding lot.
19A.04.230 Ownership interest.
19A.04.240 Parent parcel.
19A.04.250 Plat, final.
19A.04.260 Plat, preliminary.
19A.04.270 Revisions.
19A.04.280 Segregation.
19A.04.290 Short plat, final.
19A.04.300 Short plat, preliminary.
19A.04.310 Short subdivision.
19A.04.320 Subdivision.
19A.04.330 Tract.

19A.04.010 Acre. Acre: an area of land equal to forty-three thousand, five hundred sixty square feet. (Ord. 13694 § 3, 1999).

19A.04.020 Alteration. Alteration: the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in changes to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat. (Ord. 17191 § 8, 2011: Ord. 13694 § 4, 1999).

19A.04.030 Applicant. Applicant: a property owner, or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. 13694 § 5, 1999).

19A.04.040 Binding site plan. Binding site plan: a plan drawn to scale processed in accordance with *K.C.C. 19A.16.080 through 19A.20.040 and chapter 58.17 RCW. (Ord. 13694 § 6, 1999).

***Reviser's note: The reference to "sections 68 through 73 of this ordinance," codified as K.C.C. 19A.16.080 through 19A.20.040, appears to be erroneous. Reference to K.C.C. 19A.20.010 through 19A.20.060 was apparently intended.**

19A.04.050 Building envelope. Building envelope: the area of a lot that delineates the limits of where a building may be placed on a lot. (Ord. 13694 § 7, 1999).

19A.04.060 Building site. Building site: an area of land, consisting of one or more lots or portions of lots, that is:

A. Capable of being developed under current federal, state, and local statutes,

including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions and health and safety provisions; or

B. Currently legally developed. (Ord. 15031 § 4, 2004: Ord. 13694 § 8, 1999).

19A.04.070 Civil engineer. Civil engineer: an individual registered and licensed as a professional civil engineer pursuant to chapter 18.43 RCW. (Ord. 13694 § 9, 1999).

19A.04.080 Condominium. Condominium: real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in chapters 64.32 and 64.34 RCW. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration, survey map and plans have been recorded pursuant to chapter 64.32 or 64.34 RCW. (Ord. 13694 § 11, 1999).

19A.04.082 Condominium declaration. Condominium declaration: the document that creates a condominium by setting forth the information required by chapters 64.32 and 64.34 RCW, as applicable, including the survey map and plans, and that is recorded in conjunction with a condominium survey map and plans. (Ord. 16950 § 1, 2010).

19A.04.090 Dedication. Dedication: the deliberate conveyance of land by an owner for any general and public uses, reserving no rights other than those that are compatible with the full exercise and enjoyment of the public uses for which the property has been conveyed. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon or quit claim deed. The acceptance by the public shall be evidenced by the approval of such plat, short plat, binding site plan or quit claim deed for filing by the county. (Ord. 13694 § 12, 1999).

19A.04.100 Department. Department: the King County department of permitting and environmental review. (Ord. 17420 § 76, 2012: Ord. 13694 § 13, 1999).

19A.04.110 Development engineer. Development engineer: the director of the department of permitting and environmental review or his or her designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the department and required pursuant to this title. The designee shall be a professional civil engineer registered and licensed pursuant to chapter 18.43 RCW. (Ord. 17420 § 77, 2012: Ord. 13694 § 14, 1999).

19A.04.120 Director. Director: the director of the King County department of permitting and environmental review or his or her designee. (Ord. 17420 § 78, 2012: Ord. 13694 § 15, 1999).

19A.04.130 Easement. Easement: a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes, that may include, but are not limited to, road access, pedestrian or bicycle pathways, minerals, utility easements, drainage and open space. (Ord. 13694 § 16, 1999).

19A.04.140 Engineered preliminary drainage plan. Engineered preliminary drainage plan: a preliminary plan, consistent with the King County Surface Water Design Manual, that shows the locations, types and approximate sizes of the proposed drainage and conveyance facilities, including any required bioswales, wetponds or other water quality facilities. (Ord. 13694 § 10, 1999).

19A.04.150 Financial guarantee. Financial guarantee: a form of financial security posted to ensure timely and proper completion of improvements, compliance with the King County Code or to warrant materials, workmanship of improvements and design. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the director. (Ord. 13694 § 17, 1999).

19A.04.160 General site plan. General site plan: a site plan approved pursuant to this title that is not based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit issued for the entire site. (Ord. 13694 § 18, 1999).

19A.04.170 Homeowners' association. Homeowners' association: any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or binding site plan. A homeowners' association need not have any official status as a separate legal entity under the laws of the state of Washington. (Ord. 13694 § 19, 1999).

19A.04.180 Improvements. Improvements: constructed appurtenances, including but not limited to road and drainage construction, utility installation, recreational features, lot grading prior to a building permit, plat monument signs, survey monuments. (Ord. 13694 § 20, 1999).

19A.04.190 Innocent purchaser. Innocent purchaser: an individual who has purchased real property for value and states under oath that he or she had no knowledge at any time prior to or during the sale that the lot had been or is being created in violation of the provisions of this title. (Ord. 13694 § 21, 1999).

19A.04.200 Land surveyor. Land surveyor: an individual licensed as a land surveyor pursuant to chapter 18.43 RCW. (Ord. 13694 § 22, 1999).

19A.04.205 Large lot segregation. "Large lot segregation" means the division of land into lots or tracts each one of which is one-sixteenth of a section of land or larger, or forty acres or larger if the land is not capable of description as a fraction of a section of land. However, for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line. Also, within the resource zones, each lot or tract shall be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A. for the respective zone. (Ord. 17841 § 1, 2014).

19A.04.210 Lot. Lot: a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous state or local laws governing the subdivision, short subdivision or segregation of land. (Ord. 17191 § 9, 2011: Ord. 13694 § 23, 1999).

19A.04.220 Nonbuilding lot. Nonbuilding lot: a lot created defined as a nonbuilding lot on the face of the plat or short plat, for which improvements for the purpose of human habitation or occupancy are prohibited. (Ord. 13694 § 24, 1999).

19A.04.230 Ownership interest. Ownership interest: having property rights as a fee owner, contract purchaser. (Ord. 13694 § 25, 1999).

19A.04.240 Parent parcel. Parent parcel: each existing lot that is located within the perimeter of a proposed boundary line adjustment application. (Ord. 13694 § 35, 1999).

19A.04.250 Plat, final. Final plat: the final drawing of the subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in chapter 58.17 RCW. (Ord. 13694 § 26, 1999).

19A.04.260 Plat, preliminary. Preliminary plat: a neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a subdivision required by this title and chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Ord. 13694 § 27, 1999).

19A.04.270 Revisions. Revisions: a change prior to final approval or recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels. (Ord. 17191 § 10, 2011: Ord. 13694 § 28, 1999).

19A.04.280 Segregation. Segregation: a division of land by any of the following means: subdivisions, short subdivisions, binding site plans and divisions described in K.C.C. 19A.04.040. (Ord. 13694 § 29, 1999).

19A.04.290 Short plat, final. Final short plat: the final drawing of the short subdivision and dedication prepared for filing with the county auditor and containing all elements and requirements set forth in this title and in chapter 58.17 RCW. (Ord. 13694 § 30, 1999).

19A.04.300 Short plat, preliminary. Preliminary short plat: a neat and approximate drawing of a proposed short subdivision showing the general layout of streets, alleys, lots, blocks and other elements of a short subdivision required by this title and chapter 58.17 RCW. The preliminary short plat shall be the basis for the approval or disapproval of the general layout of a subdivision. (Ord. 13694 § 31, 1999).

19A.04.310 Short subdivision. Short subdivision: inside the Urban Growth Area, a division or redivision of land into nine or fewer lots, tracts, parcels or sites for the purpose of the sale, lease or transfer of ownership. Outside the Urban Growth Area, a division or redivision of land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer of ownership. (Ord. 14788 § 1, 2003: Ord. 13694 § 32, 1999).

19A.04.320 Subdivision. Subdivision: outside the Urban Growth Area, a division or redivision of land into five or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership; inside the Urban Growth Area, a division or subdivision of land into ten or more lots, tracts or parcels for the purpose of sale, lease or transfer of ownership.

(Ord. 14788 § 2, 2003: Ord. 13694 § 33, 1999).

19A.04.330 Tract. Tract: land reserved for specified uses including, but not limited to, reserve tracts, recreation, open space, sensitive areas, surface water retention, utility facilities and access. Tracts are not considered lots or building sites for purposes of residential dwelling construction. (Ord. 13694 § 34, 1999).

19A.08 ADMINISTRATION

Sections:

19A.08.010 Scope of chapter.
19A.08.020 Adverse possession lawsuit – consent or judgment required.
19A.08.030 Transfer of land or granting of an easement to a public agency.
19A.08.040 Exemptions – subdivision and short subdivision.
19A.08.045 Limitations in closed basins.
19A.08.050 Recording map and legal descriptions.
19A.08.060 Review for conformity with other codes, plans and policies.
19A.08.065 Lot segregation, boundary line adjustment or condominium-related approval-certification that property taxes are not delinquent required.
19A.08.070 Determining and maintaining legal status of a lot.
19A.08.080 Removing limitations on nonbuilding lots.
19A.08.090 Determining innocent purchaser status.
19A.08.100 Public street rights-of-way.
19A.08.110 Limitations within future road corridors.
19A.08.120 Affidavit of correction.
19A.08.130 Vertical and horizontal survey controls.
19A.08.140 Financial guarantees.
19A.08.150 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans.
19A.08.160 Minimum improvements before final recording of plat or short plat - exceptions – post of financial guarantee.
19A.08.170 Violations and enforcement.
19A.08.180 Circumvention of zoning density prohibited.
19A.08.190 Rules.

19A.08.010 Scope of chapter. This chapter contains provisions general to the administration of land segregation. Any segregation of land is subject to the provisions of this title except as stated herein. (Ord. 13694 § 36, 1999).

19A.08.020 Adverse possession lawsuit – consent or judgment required. Applications for segregation allowed by this title concerning lands on which there is a pending lawsuit for adverse possession will not receive final approval without the consent of the adverse possession claimant or until a trial court judgment settling the lawsuit is entered. (Ord. 13694 § 37, 1999).

19A.08.030 Transfer of land or granting of an easement to a public agency. The transfer of land or granting of an easement to a public agency for road and utility purposes shall not be considered a segregation of land. (Ord. 13694 § 38, 1999).

19A.08.040 Exemptions – subdivision and short subdivision.

A. The subdivision and short subdivision provisions of this title shall not apply to

large lot segregations. A lot created through a large lot segregation may not be further segregated for a period of five years from the date of approval of the large lot segregation unless it is subdivided in accordance with K.C.C chapter 19A.12.

B. The short subdivision provisions of this title shall not apply to:

1. Divisions of land into lots or tracts only for the purpose of allowing fee simple purchase or deeding of such lots or tracts to public agencies; and

2. Divisions of land by a public roadway or freeway, as defined by the King County Roadway Functional Classification System, that is planned, established, financed and constructed by a state or county agency after January 1, 2000. (Ord. 17841 § 2, 2014: Ord. 17539 § 9, 2013: Ord. 13694 § 39, 1999).

19A.08.045 Limitations in closed basins. In a closed basin, as defined by chapters 173-507, 173-503, 173-509, 173-510 and 173-515 WAC, an application for further segregation may not be submitted within five years after recording, if the application relies on a public water system created to provide domestic water that uses an exempt well under RCW 90.44.050 or proposes an additional exempt well and the proposed segregation will result in the creation of more than six lots within the boundaries of the original subdivision or short subdivision. (Ord. 15031 § 1, 2004).

19A.08.050 Recording map and legal descriptions. The final recording map and legal description of a plat, short plat, boundary line adjustment or binding site plan shall be prepared by a land surveyor in accordance with chapter 58.09 RCW and chapter 332-130 WAC, Surveys and Recording, and be recorded with the records and licensing services division as required by this title. (Ord. 15971 § 85, 2007: Ord. 13694 § 40, 1999).

19A.08.060 Review for conformity with other codes, plans and policies. Applications for approvals under this title shall be reviewed in accordance with the applicable procedures of any combination of this title and K.C.C. chapters 20.20 and 20.22. Furthermore, applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted county and state rules, regulations, plans and policies including, but not limited to:

A. Chapter 43.21C RCW (SEPA);
B. Chapter 58.17 RCW (Subdivisions);
C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);
D. K.C.C. Title 9 (Surface Water Management);
E. K.C.C. Title 13 (Sewer and Water);
F. K.C.C. Title 14 (Roads and Bridges);
G. K.C.C. Title 17 (Fire Code);
H. K.C.C. chapter 20.44 (SEPA);
I. K.C.C. Title 21A (Zoning);
J. K.C.C. Title 23 (Code Enforcement);
K. Administrative rules adopted under K.C.C. chapter 2.98;
L. King County board of health rules and regulations;
M. King County approved utility comprehensive plans;
N. King County Comprehensive Plan;
O. Countywide Planning Policies; and
P. This title.

(Ord. 18230 § 107, 2016: Ord. 17539 § 10, 2013: Ord. 13694 § 41, 1999).

19A.08.065 Lot segregation, boundary line adjustment or condominium-

related approval-certification that property taxes are not delinquent required. Before final approval of any lot segregation, boundary line adjustment or condominium-related approval under this title, the applicant shall provide the department with a certification from the manager of the finance and business operations division that property taxes for the subject property are not delinquent. (Ord. 17823 § 41, 2014).

19A.08.070 Determining and maintaining legal status of a lot.

A. A property owner may request that the department determine whether a lot was legally created. The property owner shall demonstrate to the satisfaction of the department that a lot was created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created.

B.1. A lot created before October 1, 1972, shall be recognized as a legal lot::

a. if before October 1, 1972, it was:

(1) conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or

(2) recognized as a separate tax lot by the county assessor; and

b. if the lot was created before June 9, 1937, it was served by one of the following before January 1, 2000:

(1) approved sewage disposal;

(2) an approved water system; or

(3) a road that was:

(A) accepted for maintenance by the King County department of transportation; or

(B) located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed;

2 A lot created on or after October 1, 1972, shall be recognized as a legal lot if it was created:

a. through the subdivision or short subdivision process; or

b. through the following alternative means of lot segregation provided for by state statute or county code:

(1) at a size five acres or greater, created by a record of survey recorded between August 11, 1969, and October 1, 1972, and that did not contain a dedication;

(2) at a size twenty acres or greater, created by a record of survey recorded before January 1, 2000, and not subsequently merged into a larger lot;

(3) at a size forty acres or greater created through a larger lot segregation made in accordance with RCW 58.18.010, approved by King County and not subsequently merged into a larger lot. Within the F zone, each lot of tract shall be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A;

(4) through testamentary provisions or the laws of descent after August 10, 1969; or

(5) as a result of deeding land to a public body after April 3, 1977.

C. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:

1. Recorded subdivisions or division of land into four lots or less;

2. King County documents indicating approval of a short subdivision;

3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or

4. Historic tax records or other similar evidence, describing the lot as an individual parcel. The department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

D. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner reaggregates or merges the lot with another lot or lots in order to:

1. Create a parcel of land that would qualify as a building site, or
2. Implement a deed restriction or condition, a covenant or court decision.

E. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in K.C.C. 19A.04.050.

F. Reaggregation of lots after January 1, 2000, shall only be the result of a deliberate action by a property owner expressly requesting the department for a permanent merger of two or more lots through a boundary line adjustment under K.C.C. chapter 19A.28. (Ord. 17539 § 11, 2013: Ord. 17191 § 11, 2011: Ord. 16687 § 1, 2009: Ord. 15031 § 2, 2004: Ord. 13694 § 42, 1999).

19A.08.080 Removing limitations on nonbuilding lots. Limitations placed on a nonbuilding lot may be removed and the lot recognized by King County as a building lot by approval of a subdivision, short subdivision, binding site plan or alteration of a plat, short plat or binding site plan. (Ord. 13694 § 43, 1999).

19A.08.090 Determining innocent purchaser status.

A. An innocent purchaser of a parcel divided in violation of King County subdivision requirements who files a notarized affidavit of innocent purchase with the department on forms approved by the director may seek to establish the parcel's eligibility for county development approvals and for lawful future conveyance; provided that nothing herein is intended to exempt development on innocent purchaser lots from compliance with development standards of the county's zoning code.

B. All contiguous parcels divided in violation of this title that are under common ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.

C. Innocent purchaser status shall not be granted to any individual or group more than once. (Ord. 13694 § 44, 1999).

19A.08.100 Public street rights-of-way. Dedication or deeding to the county of right-of-way or a portion thereof for public streets shall be required within or along the boundaries of all binding site plans, subdivisions and short subdivisions or of any lot or lots within them, under the following circumstances, where facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development:

A. Where the six-year capital improvement plan or transportation needs report indicates the necessity of a new right-of-way or portion thereof for street purposes;

B. Where necessary to extend or to complete the existing or future neighborhood street pattern;

C. Where necessary to provide additions of right-of-way to existing county right-of-way;

D. Where necessary to comply with county road standards and King County road plans;

E. Where necessary to provide a public transportation system that supports future development of abutting property consistent with the King County Comprehensive Plan or King County zoning code, provided that the right-of-way shall:

1. Provide for vehicular and pedestrian circulation within and between neighborhoods;
2. Provide local traffic alternatives to the use of arterial streets; and
3. Reduce potential traffic impacts to existing residential access streets. (Ord.

13694 § 45, 1999).

19A.08.110 Limitations within future road corridors. In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the county may limit improvements within specific areas of a proposed binding site plan, subdivision or short subdivision. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas. (Ord. 13694 § 46, 1999).

19A.08.120 Affidavit of correction.

A. Any map page or document recorded with the records and licensing services division, or its successor agency, under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction. The following types of errors may be corrected by affidavit:

1. Any courses, distances or elevations omitted from the recorded document;
2. An error in any courses, distances or elevations shown on the recorded document;
3. An error in the description of the real property shown on the recorded document;
4. An error in the field location of any shown easement; or
5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

B. Nothing in this section shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.

C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.

E. The affidavit of correction form, as provided by the department, shall be submitted to the department for review and approval and shall include signatures of the development engineer, the director of the department, the assessor and the manager of the records and licensing services division, or its successor agency. After department approval, the affidavit shall be recorded with the records and licensing services division, or its successor agency. Submittals shall include payment of fees as authorized by K.C.C. Title 27.

F. Should a nonsurvey-related error occur on the recorded document as a result of information required to be placed on the document by the department, the department's responsible land surveyor may prepare the affidavit providing the original land surveyor has no objections. The seal and signature of the department's responsible land surveyor making the correction shall be affixed to the affidavit. A copy of the affidavit shall be mailed by the department to the original land surveyor following recording. (Ord. 15971 § 86, 2007: Ord. 14176 § 3, 2001: Ord. 13694 § 47, 1999).

19A.08.130 Vertical and horizontal survey controls.

A. Vertical requirements. The vertical datum on all engineering plans, plats, binding site plans and short plats shall be the North American vertical datum of 1988 and shall [be] tied to at least one King County Survey Control Network benchmark. The benchmark will be shown on the plans. If a King County Survey Control Network benchmark does not exist within one-half mile of the subject property, or two hundred fifty

feet or greater of total vertical difference exists between the starting benchmark and the project, an alternate vertical datum may be used.

B. Horizontal requirements. The horizontal component of all plats, binding site plans and short plats shall have the North American datum of 1983/91 as its coordinate base and basis for bearings. All horizontal control for these projects shall be referenced to a minimum of two King County Survey horizontal control monuments. If two horizontal control monuments do not exist within one mile of these projects, an alternate coordinate base and basis of bearings may be used. (Ord. 13694 § 48, 1999).

19A.08.140 Financial guarantees. Notwithstanding any other provision of this title, the director is authorized to require all applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of K.C.C. Title 27A. (Ord. 13694 § 49, 1999).

19A.08.150 Application requirements for preliminary plats, preliminary short plats and preliminary binding site plans. The following application requirements shall be required in addition to those application requirements described in K.C.C. 20.20.040:

A. A title report issued within thirty days of application, showing all persons having an ownership interest, a legal description describing exterior boundary of application site and listing all encumbrances affecting the site.

B. A map prepared by a land surveyor showing the following:

1. Location of all physical and legal description encroachments affecting the boundary between the application site and the adjoining parcels. Encroachments may be from the application site onto the adjoining parcels or from the adjoining parcels onto the application site;

2. Contours based upon topographic field survey. For land inside the urban growth boundary, contour intervals shall be at two-foot intervals when slopes are fifteen percent or less and five-foot intervals for slopes exceeding fifteen percent. The preliminary map shall contain notes indicating that contours are based upon field survey. A field topographic base map shall accompany the application. If approved by the department, field survey may be waived for large areas of open space or extensive sensitive area tracts. Two temporary benchmarks must be shown within the application site along with the appropriate elevation and datum;

3. A legal description of application site as shown in the title report;

4. The proposed layout of lots, tracts, right-of-way and easements, along with existing utilities and areas of proposed dedications;

5. The purpose of any tracts and dedications proposed within the application site;

6. All easements, listed in the title report, capable of being plotted on the map;

7. Field-verified survey of location of all known sensitive areas including, but not limited to, streams, wetlands and steep slopes that may affect the proposal. Show the approximate one hundred-year floodplain of sensitive areas, where applicable;

8. Name of proposal;

9. North arrow, scale and date of map and revisions when applicable;

10. Location of adjoining parcels and buildings within one hundred feet of the site shall be shown and delineated by dashed lines. The zoning of the parcels shall also be identified;

11. Name and location of all existing adjoining right-of-way along with the name and location of any adjoining or internal right-of-way proposed to be vacated with the proposal;

12. A vicinity map; and

13. An engineered preliminary drainage plan.

C. A proposed binding site plan shall be deemed to have satisfied the

requirements of K.C.C. 19A.08.150B when the binding site plan is based on a recorded final planned unit development, building permit, as-built site plan for developed sites or a site development permit for the entire site. (Ord. 13694 § 50, 1999).

19A.08.160 Minimum improvements before final recording of plat or short plan - exceptions – post of financial guarantee.

A. Except as otherwise provided in subsection B. of this section, before final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans;

1. Drainage facilities and erosion control measures consistent with K.C.C. 9.04.090;

2. Water mains and hydrant installed and fire flow available, sewer mains, laterals and sewer manholes installed, if required;

3. Roadways meeting the approved engineering plan's layout drainage, geometric and road width requirements and finished with an asphalt treated base. The final surfacing on the roadways may be bonded;

4. Pedestrian facilities complying with the Americans with Disabilities Act; including but not limited to, curb ramps, sidewalks and shoulders, where required;

5. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion before plat recording;

6. Delineation of sensitive areas that are to remain undeveloped;

7. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt;

8. Improvements without which the director determines a safety hazard would exist; and

9. All private improvements outside of the right-of-way or road easement and access tracts.

B. The director, in consultation with the department of natural resources and parks, department of transportation, the prosecuting attorney, and other affected agencies, may allow the applicant to post a financial guarantee for any identified noncritical required improvements, as determined on a project by project basis, if:

1. The expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of the improvements before the final recording;

2. The inability to construct the improvements is due to unavoidable circumstances that in no way resulted from the actions or inaction of the applicant;

3. The applicant submits a detailed construction completion timeline and the department determines the applicant will be able to complete the work or improvements to be covered by the financial guarantee within a reasonable amount of time; and

4. Approval of the final plat or short plat before completion of the work or improvement will not be materially detrimental to existing county infrastructure or private properties in the vicinity of the subject property.

C. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A. of this section. (Ord. 17539 § 12, 2013: Ord. 16267 § 10, 2008: Ord. 13694 § 51, 1999).

19A.08.170 Violations and enforcement. Any person or entity who violates this title or who sells or transfers a lot, tract or parcel that was not created consistent with this title or chapter 58.17 RCW or that has not been recognized by the department as a legal lot under this chapter shall, in addition to any remedies and sanctions provided for under

state law, be subject to the enforcement provisions of K.C.C. Title 23. (Ord. 16267 § 9, 2008: Ord. 13694 § 52, 1999).

19A.08.180 Circumvention of zoning density prohibited. A legal lot, which has been subject to a boundary line adjustment or created through a legally recognized land segregation process and is of sufficient land area to be subdivided at the density applicable to the lot, may be further segregated. However, such further segregation of the lot shall not be permitted if the total number of lots contained within the external boundaries of the lots subject to the original boundary line adjustment or the total number of lots contained within the external boundary of the parcel subject to the original land segregation, exceed the density allowed under current zoning. (Ord. 13694 § 53, 1999).

19A.08.190 Rules. The director is authorized to adopt rules to implement the provisions of this title pursuant to K.C.C. chapter 2.98. (Ord. 13694 § 54, 1999).

19A.12 SUBDIVISIONS AND SHORT SUBDIVISIONS

Sections:

19A.12.010 Purpose.
19A.12.020 Preliminary approval of subdivision.
19A.12.030 Revisions of preliminary subdivisions.
19A.12.040 Preliminary short subdivision – approval time.
19A.12.050 Limitations for short subdivisions.

19A.12.010 Purpose. The purpose of this chapter is to specify requirements for the segregation of land into short subdivisions and subdivisions, in accordance with applicable Washington state and King County laws, rules and regulations, including permit processing procedures required by K.C.C. chapter 20.20. (Ord. 14788 § 3, 2003: Ord. 13694 § 55, 1999).

19A.12.020 Preliminary approval of subdivision.

A. Preliminary subdivision approval shall be effective for a period of sixty months.

B. Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary approval.

C. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

D. An urban planned development permit, fully contained community permit, or development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the preliminary approval period beyond sixty months for any preliminary subdivision approved simultaneous or subsequent to the urban planned development permit or fully contained community permit. Such extensions may be made contingent upon satisfying conditions set forth in the urban planned development permit, fully contained community permit or development agreement. In no case shall the extended preliminary approval period exceed the expected buildout time period of the urban planned development or fully contained community as provided in the urban planned development permit, fully contained community permit or development agreement. This section shall apply to any approved urban planned development permit, fully contained community permit or development agreement in existence on January 1, 2000, or approved subsequent to

January 1, 2000.

E. For any plat with more than four hundred lots that is also part of the county's four to one program, the preliminary subdivision approval shall be effective for eighty-four months. This subsection applies to any preliminary plat approved by either the council or the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one program with proposed plats containing more than four hundred lots.

F. For any plat with more than fifty lots where fifty percent or more of those lots will constitute affordable housing which is housing for those that have incomes of less than eighty percent of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, and at least a portion of the funding for the project has been provided by federal, state or county housing funds, the preliminary subdivision shall be effective for seventy-two months. This subsection applies to any plat that has received preliminary approval on or after January 1, 1998.

G.1. For any plat that has received preliminary approval on or after December 1, 2003, the preliminary subdivision approval shall be valid for a period of eighty-four months. The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065*.

2. For any plat that received preliminary approval on or after December 1, 2003, pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a period of one hundred and eight months. The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065*.

3. This subsection shall retroactively apply to any plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, 2014. (Ord. 17191 § 12, 2011: Ord. 16593 § 1, 2009: Ord. 16515 § 2, 2009: Ord. 15055 § 2, 2004: Ord. 14747 § 2, 2003: Ord. 14113 § 2, 2001: Ord. 13694 § 56, 1999).

***Reviser's note: K.C.C. 27.02.065 was repealed by Ordinance 17682, Section 50.**

19A.12.030 Revisions of preliminary subdivisions.

A. A request to revise a plat, short plat or binding site plan that has received preliminary approval shall be submitted to the department.

B. Proposed revisions to a preliminary subdivision that would result in a substantial change, as determined by the department, shall be treated as a new application for purposes of vesting and transportation concurrency and shall be reviewed as Type 3 land use decision under K.C.C. 20.20.020.

C. Proposed revisions to a preliminary short subdivision or binding site plan that would result in a substantial change, as determined by the department, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020.

D. For the purpose of this section, a substantial change includes, but is not limited to:

1. The creation of additional lots;
2. The reduction or elimination of open space;
3. A change in use;
4. A change in points of ingress or egress; and
5. A change to conditions of approval of an approved preliminary subdivision, preliminary short subdivision or binding site plan that leads to environmental impacts that were not addressed in the original approval.

E. Proposed changes to a subdivision, short subdivision or binding site plan that do not result in a substantial change, as determined by the department, shall be treated

as a minor changed and may be approved administratively by the department.

F. For purposes of this section, minor changes include, but are not limited to:

1. Changes to engineering design standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;

2. Changes in lot dimensions that are consistent with the underlying zone;

3. A decrease in the number of lots to be created so long as the minimum lot size and minimum density of the underlying zone is maintained;

4. Changes in timing of phased plans; and

5. Changes to engineering design that reduce construction related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval. (Ord. 17191 § 13, 2011: Ord. 13694 § 57, 1999).

19A.12.040 Preliminary short subdivision - approval time. Preliminary approval of a short subdivision shall be effective for a period of sixty months, except:

A. The approval period shall be eighty-four months for any short plat that was part of a development agreement or interlocal agreement entered into after January 1, 1996, that included at least four hundred acres of open space dedications and urban land designations at a four-to-one ratio; and

B.1. For any short plat that has received preliminary short approval on or after December 1, 2003, the preliminary short subdivision approval shall be valid for a period of eighty-four months. The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065*.

2. This subsection shall retroactively apply to any short plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, 2014. (Ord. 17191 § 14, 2011: Ord. 16593 § 2, 2009: Ord. 16515 § 3, 2009: Ord. 14788 § 4, 2003: Ord. 13694 § 58, 1999).

***Reviser's note: K.C.C. 27.02.065 was replaced by Ordinance 17682, Section 50.**

19A.12.050 Limitations for short subdivisions.

A. Inside the Urban Growth Area, a maximum of nine lots may be created by a single application. Outside the Urban Growth Area, a maximum of four lots may be created by a single application.

B. An application for further segregation may not be submitted within five years after recording, except through the filing of a subdivision application or unless the short plat contains fewer than nine lots inside the Urban Growth Area or fewer than four lots outside the Urban Growth Area, in which case an alteration application may be submitted to create a cumulative total of up to nine lots inside the Urban Growth Area or up to four lots outside of the Urban Growth Area within the original short plat boundary.

C. A maximum of nine lots inside the Urban Growth Area or eight lots outside the Urban Growth area may be created from two or more contiguous parcels with any common ownership interest. (Ord. 15031 § 4, 2004: Ord. 14788 § 5, 2003: Ord. 13694 § 59, 1999).

19A.16 FINAL PLAT AND FINAL SHORT PLAT MAPS FOR PRELIMINARILY APPROVED SUBDIVISIONS AND SHORT SUBDIVISIONS

Sections:

19A.16.010 Purpose.
19A.16.020 Phased development.
19A.16.030 Final plat and final short plat review procedures.

19A.16.040 Final plat and final short plat engineering plan review requirements.
19A.16.050 Contents of final plat and final short plat.
19A.16.060 Final forms.
19A.16.070 Alterations of final plats.
19A.16.080 Alterations of final short plats.
19A.16.090 Vacations of a final plat or final short plat.

19A.16.010 Purpose. The purpose of this chapter is to specify provisions that must be satisfied prior to the final approval and recording of final plat and final short plat maps, for preliminarily-approved subdivisions and short subdivisions. (Ord. 13694 § 61, 1999).

19A.16.020 Phased development. Portions of an approved preliminary subdivision may be processed separately by the department for the purpose of recording divisions. All divisions shall be approved within the prescribed time limits for the preliminary subdivision, and all conditions of approval for each particular division must be met. (Ord. 13694 § 62, 1999).

19A.16.030 Final plat and final short plat review procedures.

A. Following submittal of the engineering plans, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval by the development engineer before recording. If more than one sheet is required, an index sheet shall be included that must show the entire segregation with road names and lot numbers.

B. All final plats and final short plats shall conform to the conditions of preliminary approval.

C. Plat certificates or owner's duplicate certificates for land registered pursuant to chapter 65.12 RCW shall be provided to the department before recording along with a copy of the last real estate transaction for all adjoining unplatted parcels. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within thirty days of the original certificate or supplemental certificate date.

D. All applicable processing fees specified by K.C.C. Title 27 and any civil penalty assessed pursuant to K.C.C. Title 23 against a site being reviewed under this section shall be paid prior to recording;

E. A deposit to cover anticipated taxes and assessments is required for final plats pursuant to chapter 58.08 RCW. A deposit, however, shall not be required for the filing of a final short plat.

F. Proof of sewer and water availability, including any required water rights, shall be submitted to the department and final health department approval shall be obtained before recording, if applicable.

G. Upon approval by the department, the final plat or short plat shall be recorded with the records and licensing services division.

H. A typewritten copy of protective deed covenants shall accompany the final plat or short plat, if applicable. (Ord. 17823 § 8, 2014: Ord. 15971 § 87, 2007: Ord. 13694 § 63, 1999).

19A.16.040 Final plat and final short plat engineering plan review requirements.

A. Engineering plans for roads, drainage controls and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval by the development engineer prior to the commencement of on-site clearing or construction activities.

B. Approval of the engineering details of the proposed sanitary sewer and water systems and other proposed public facilities by the development engineer and the King County department of public health will be required prior to the approval of the final plat.

C. Plans and technical information reports shall be submitted to the department and prepared consistent with the requirements of the King County Road Standards, K.C.C. chapter 14.42, Surface Water Design Manual, K.C.C. chapter 9.04 and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer.

D. Prior to approval of engineering plans, the applicant shall post a site restoration guarantee consistent with the provisions of K.C.C. Title 27A, and shall pay all applicable fees set forth in K.C.C. Title 27. (Ord. 13694 § 64, 1999).

19A.16.050 Contents of final plat and final short plat. The following information shall be shown on a final plat or final short plat:

A. Name of subdivision and department file number for final plats or department file number for final short plats;

B. Location by section, township and range, and by legal description;

C. The signature and seal of the land surveyor;

D. Survey map requirements as specified in chapter 332-130 WAC and chapter 58.09 RCW;

E. Boundary of plat or short plat based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC 332-130-090;

F. Exact location, width and name of all streets within and adjoining the plat or short plat, and the exact location and widths of all alleys. The naming of a street shall conform to the county's process for naming streets;

G. Courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat or short plat;

H. Municipal, township, county or section lines accurately tied to the lines of the plat or short plat distances and courses;

I. All easements for rights-of-way provided for public utilities;

J. Lots designated by number on the plat or short plat within the area of the lot, and tracts similarly designated by letter. Each tract shall be clearly identified with the ownership, purpose and maintenance responsibility;

K. Blocks in numbered additions to plats bearing the same name may be numbered or lettered consecutively through the several additions;

L. Accurate location of all existing and proposed permanent control monuments at each corner of the subdivision or short subdivision consistent with RCW 58.17.240 and at all road intersections and curve control points that fall within the pavement;

M. A traverse line established along the shore not more than twenty feet landward of the ordinary high water mark when a subdivision or short subdivision borders on a body of water. This line shall be labeled "Plat traverse line" or "Short plat traverse line", as applicable, on the final plat or short plat documents;

N. Accurate boundary delineation for any areas to be dedicated or reserved for public use, along with the purposes of the use indicated thereon; and the accurate delineation of any areas to be reserved by deed covenant for common uses of all property owners;

O. The boundary description of the property being platted or short platted matching the description recorded in the most recent real estate transfer document encompassing the property. If the description is incorrect, a true and exact description shall be shown upon the plat or short plat together with the original description. The original description shall be labeled "original description" and the true and exact

description shall be labeled “surveyor’s corrected description.” The surveyor’s corrected description shall be preceded by the verbiage: “The intent of the original description is to encompass all of the property described within the surveyor’s corrected description”;

P. Dedication with notarized acknowledgments by all parties having an ownership interest, as required by RCW 58.17.165 and K.C.C. 19A.04.230, acknowledging the adoption of the plat and the dedication of streets and other public areas. Dedications by corporations shall include corporate acknowledgment and dedications by individuals shall include individual acknowledgment;

Q. Restrictions, title encumbrances and notes required by the conditions of approval;

R. Certification by a land surveyor to the effect that the plat or short plat correctly represents a survey made by the surveyor, or under the surveyor’s direction, and that the existing monuments are located as shown on the final plat or final short plat;

S. Approval and signature blocks for the department, the department of assessments and the finance and business operations division;

T. Approval of the county council to the extent such approval is required; and

U. Recording certificate required for the signature of the records and licensing services division. (Ord. 15971 § 88, 2007: Ord. 13694 § 65, 1999).

19A.16.060 Final forms.

A. A final plat or final short plat shall be prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch border on one of the eighteen-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

B. Forms shall be printed with materials acceptable for filing as specified in WAC 332-130-050 and be formatted consistent with forms provided by the department. (Ord. 13694 § 66, 1999).

19A.16.070 Alterations of final plats.

A. Alterations shall be processed in accordance with RCW 58.17.215 through 58.17.218 and shall comply with regulations in effect at the time the alteration application was submitted. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to be altered.

B. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. Notice of alterations shall comply with the notice provisions of K.C.C. Title 20. Mailing notification shall also include owners of each lot or parcel of property within the subdivision to be altered.

D. An application shall be processed as a Type 3 permit pursuant to K.C.C. chapter 20.20 and K.C.C. 20.22.040. The application may be approved if the proposed alteration is consistent with the required findings of K.C.C. 20.22.180.

E. After approval of an alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat, to be processed in the same manner as set forth for final plats in this title. (Ord. 18230 § 108, 2016: Ord. 13694 § 67, 1999).

19A.16.080 Alterations of final short plats. Alteration of a final short plat may

be approved by the department when consistent with the following requirements:

A. Alterations shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new short plat application, as set forth in this chapter.

B. Alteration applications and recording documents shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels or divisions in the subject short plat to be altered or any portion to be altered.

C. If the short subdivision is subject to restrictive covenants that were filed at the time of the approval of the short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short subdivision or portion thereof.

D. Notice of alterations shall comply with the notice provisions of K.C.C. Title 20.

E. An alteration may be allowed to remove nonbuilding lot status on short subdivisions provided that no public dedications are required and original conditions of approval do not prohibit conversion of a nonbuilding lot to a building lot. Approval of such alteration requires completion of the original conditions of approval, and the application of new conditions for the lot, consistent with current standards, preparation of a new map page prepared by a land surveyor for recording and payment of all fees required for such review. (Ord. 13694 § 68, 1999).

19A.16.090 Vacations of a final plat or final short plat.

A. Plat and short plat vacations shall be processed as follows and in accordance with RCW 58.17.212.

B. All plat and short plat vacation applications shall be referred to the hearing examiner for public hearing and consideration in accordance with K.C.C. 20.22.060. Following the public hearing the hearing examiner shall determine if the proposed vacation is consistent with the required findings of K.C.C. 20.22.180. If the proposal is found to serve such purposes, the hearing examiner may recommend that the county council approve the application.

C. Applications for vacations of county roads may be processed under this chapter only when such road vacations are proposed in conjunction with the vacation of the plat. Vacations limited to county roads shall be processed in accordance with chapter 36.87 RCW. (Ord. 18230 § 109, 2016: Ord. 13694 § 69, 1999).

19A.20 BINDING SITE PLANS

Sections:

19A.20.010 Purposes.
19A.20.020 Applicability.
19A.20.030 Requirements and limitations.
19A.20.040 Alterations.
19A.20.050 Vacations.
19A.20.060 Recording.

19A.20.010 Purposes. The purposes of this chapter are:

A. To provide an alternative method for division of land as authorized by RCW 58.17.035;

B. To ensure through covenants, conditions, restrictions, easements and other requirements binding upon all lot owners that the collective lots continue to function as one site concerning, but not limited to, public roads, improvements, open spaces,

drainage and other elements specified in this chapter;

C. To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and

D. To specify administrative requirements for binding site plans in addition to the procedural requirements of K.C.C. chapter 20.20 and in accordance with applicable Washington state and King County laws, rules and regulations. (Ord. 16950 § 2, 2010: Ord. 13694 § 70, 1999).

19A.20.020 Applicability.

A.1. The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park or recreational vehicle park; and

2. The division of land resulting from subjecting a portion of a parcel or tract to the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34 RCW. After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of chapter 64.32 or 64.34 RCW.

B. The applicant shall record the approved binding site plan with the King County recorder's office. Following recordation of the binding site plan, the applicant shall submit to the department for review a condominium declaration, survey map and plans as required by chapters 64.32 and 64.34 RCW.

C. A binding site plan for a condominium shall be based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit issued for the entire site or a general site plan showing the anticipated development plan for the entire site. As determined by the department, binding site plan reviews may take place independently for developed sites or concurrently with or subsequent to a building permit or site development permit.

D. The site that is subject to the binding site plan shall consist of one or more contiguous lots.

E. The site that is subject to the binding site plan may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.

F. The binding site plan process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon. (Ord. 16950 § 3, 2010: Ord. 13694 § 71, 1999).

19A.20.030 Requirements and limitations.

A. The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.

B. The binding site plan shall:

1. Identify the areas and locations of all streets, roads, improvements, utilities, open spaces, sensitive areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies and drainage features and building envelopes;

2. Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the director or the hearing examiner; and

3. Contain provisions requiring any development or division of land to be in conformance with the approved site plan.

C. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified and enforced by covenants, easements or other similar mechanisms. (Ord. 13694 § 72, 1999).

19A.20.040 Alterations.

A. Alteration of a binding site plan shall be accomplished by following the same process required for a new application as set forth in this chapter.

B. Changes to a building permit, planned unit development, subdivision or short subdivision, site development permit within a binding site plan area shall also require alteration of the binding site plan unless the director determines that such changes are consistent with the approved binding site plan. (Ord. 13694 § 73, 1999).

19A.20.050 Vacations.

A. Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short subdivision or another binding site plan.

B. If a building permit or commercial site development permit is revised or expires, then the binding site plan shall be vacated unless the director determines that the revision or expiration is consistent with the approved binding site plan. (Ord. 13694 § 74, 1999).

19A.20.060 Recording.

A. Plat certificates or owner's duplicate certificates for registered land pursuant to chapter 65.12 RCW shall be provided to the department by the owner along with a copy of the last real estate transaction for all adjoining unplatted parcels.

B. Before recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a land surveyor. A final binding site plan shall be prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch border on one of the eighteen-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

C. The approved binding site plan recording documents shall include the following:

1. Except for a binding site plan for a condominium, identification of lots by number on a binding site plan containing more than one lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the land surveyor who prepared the binding site plan in accordance with chapter 332-130 WAC and chapter 58.09 RCW;

3. Reference to the recording number of the completed survey if the boundaries have been previously surveyed;

4. Reference to all agreements or covenants required as a condition of approval;

5. Notarized signatures of all parties having an ownership interest in the land being divided;

6. Satisfaction of health department requirements, unless previously approved on a recorded final planned unit development, a building permit, an as-built plan for developed sites or a site development permit for the entire site;

7. Approval of the King County development engineer;

8. Approval of the King County finance and business operations division;

9. Approval of the King County assessor;

10. Approval of the director;

11. Recording certificate required for signature of the records and licensing services division; and

12. Department file number.

D. A deposit to cover anticipated taxes and assessments is required for binding

site plans pursuant to chapter 58.08 RCW.

E. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

F. No person shall sell, transfer or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan or without binding site plan approval.

G. The binding site plan shall set forth limitations and conditions, including irrevocable dedications of property and containing a provision that any development of the site shall be in conformity with the approved binding site plan. (Ord. 17823 § 9, 2014: Ord. 15971 § 89, 2007: Ord. 13694 § 75, 1999).

19A.24 CONDOMINIUMS

Sections:

19A.24.010 Purpose.
19A.24.020 Final submittal requirements.
19A.24.030 Notes.

19A.24.010 Purpose. The purpose of this chapter is to provide for review of condominiums and condominium declarations to ensure compliance with chapters 64.32 and 64.34 RCW. The review shall include, but is not limited to, the review of a condominium survey map and plans for the precision and accuracy of the exterior boundary and legal description of the subject property, as shown on the final map. In accordance with RCW 64.34.050(1), the review shall not impose any requirement upon a condominium that would not be imposed upon a physically identical development under a different form of ownership. (Ord. 16950 § 4, 2010: Ord. 13694 § 76, 1999).

19A.24.020 Final submittal requirements. The following shall be submitted for approval of a condominium proposal:

A. Two sets of prints of the final recording maps prepared in accordance with RCW 64.34.232;

B. Legal Description from title report dated within thirty days prior to recording;

C. Boundary closure calculations and supporting surveys; and

D. Copy of last real estate transaction for all adjoining unplatted parcels. (Ord. 13694 § 77, 1999).

19A.24.030 Notes. An approval block for the department or its successor in substantially the following form shall be added to the recording document:

"Approval of the Department of Permitting and Environmental Review:

Examined and Approved this ____ day of _____, 2____.

Division Director, Land Use Services Division"

(Ord. 17420 § 79, 2012: Ord. 16950 § 5, 2010: Ord. 13694 § 78, 1999).

19A.28 ADJUSTMENTS

Sections:

19A.28.010 Purpose.
19A.28.020 Procedures and limitations of the boundary line adjustment process.

19A.28.030 Final approval and recording required.
19A.28.040 Conceptual review.

19A.28.010 Purpose. The purpose of this chapter is to provide procedures and criteria for the review and approval of adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, to correct situations wherein an established use is located across a lot line, or for other similar purposes. (Ord. 17841 § 3, 2014: Ord. 13694 § 79, 1999).

19A.28.020 Procedures and limitations of the boundary line adjustment process. Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in K.C.C. chapter 20.20. The review shall include examination for consistency with the King County zoning code, K.C.C. Title 21A., shoreline master program, K.C.C. chapter 21A.25, applicable board of health regulations and, for developed lots, fire and building codes;

B. A lot created through a large lot segregation shall be consistent with the underlying zoning and shall not be reduced to less than twenty acres within ten years of the large lot segregation approval unless it is subdivided in accordance with K.C.C. chapter 19A.12;

C. Any adjustment of boundary lines must be approved by the department before the transfer of property ownership between adjacent legal lots;

D. A boundary line adjustment proposal shall not:

1. Result in the creation of an additional lot or the creation of more than one additional building site;

2. Result in a lot that does not qualify as a building site pursuant to this title;

3. Relocate an entire lot from one parent parcel into another parent parcel;

4. Reduce the overall area in a plat or short plat devoted to open space;

5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;

6. Involve lots which do not have a common boundary; or

7. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;

E. The elimination of lines between two or more lots shall in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title or to K.C.C. 19A.28.030. The format and requirements of a minor adjustment under this subsection shall be specified by the department;

F. Recognized lots in an approved site plan for a conditional use permit, special use permit, urban planned development, or commercial site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development; and

G. Lots that have been subject to a boundary line adjustment process that resulted in the qualification of an additional building site shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional building site.

(Ord. 17841 § 4, 2014: Ord. 17191 § 15, 2011: Ord. 16950 § 6, 2010: Ord. 13694 § 80, 1999).

19A.28.030 Final approval and recording required.

A. A title insurance certificate updated-not more than thirty days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.

B. Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.

C. Final record-of-survey document must be prepared by a land surveyor in accordance with chapter 332-130 WAC and chapter 58.09 RCW. The document must contain a land surveyor's certificate and a recording certificate.

D. The final map page shall contain the following approval blocks:

1. The King County department of assessments to be signed by the King County assessor and deputy King County assessor; and

2. The department of permitting and environmental review, to be signed by the director. (Ord. 17420 § 80, 2012: Ord. 13694 § 81, 1999).

19A.28.040 Conceptual review. Prior to proceeding through the boundary line adjustment process, an applicant may desire to pay for an optional preapplication meeting. At that time the department will perform a conceptual review based upon the information brought in by the applicant. (Ord. 13694 § 82, 1999).